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Assistant Commissioner for Patents, Washington, D.C. 20231, on October 21, 2002.

Diane Blevins
Diane Blevins



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel SANTI, et al.

Serial No.: 09/916,045

Filing Date: July 25, 2001

For: FERMENTATION PROCESS FOR
EPOTHILONES

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to a restriction requirement herein mailed September 19, 2002, time for response to which is set to expire October 19, 2002. Accordingly, this response is timely filed.

Restriction Requirement

The Examiner is requiring restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 1-11, drawn to methods of producing desoxyepothilone; and
- II. Claims 12-16, drawn to recombinant *S. cellulosum* host cells.

The Examiner has stated that Group I and Group II are related, but patentably distinct.

Therefore, Applicant hereby elects Group I, claims 1-11, without traverse. Applicant expressly reserves the right under 35 U.S.C. §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. **300622005700**.

Respectfully submitted,

Dated: October 21, 2002

By: Brenda J. Wallach
Brenda J. Wallach, Ph.D.
Registration No. 45,193

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: 858-720-7961
Facsimile: (858) 720-5125